COMMON COUNCIL CAL BRAND MEETING ROOM DECEMBER 4, 2012

Mayor Kristen Brown called a regular meeting of the City Common Council to order at approximately 6:00 P.M. in the Cal Brand Meeting Room.

I. Meeting Called to Order

- A. Opening Prayer was given by Mark Teike from St. Peter's Lutheran Church.
- B. Pledge of Allegiance was led by Mayor Brown.
- C. Roll Call was taken. Dascal Bunch, Ryan Brand, Frank Jerome, Frank Miller, Aaron Hankins and James Lienhoop were present. Tim Shuffett was absent.
- D. Dascal Bunch moved to accept the minutes from the November 20, 2012 City Council meeting. Frank Miller seconded the motion. Motion passed with a unanimous vote of six (6) to zero (0).

II. Unfinished Business Requiring Council Action

A. Second Reading of an Ordinance entitled "ORDINANCE NO. 38, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO ADOPT CHAPTER 8.37 OF THE COLUMBUS CITY CODE, SMOKING REGULATIONS." Kelly Benjamin, City Attorney, stated this Ordinance is up for a second vote and turned the floor over to the Council. No discussion from the Council so Mayor Brown opened the meeting up for public comment. Mark Wilcox, owner of Scores Bar and Grill, questioned what happened to the compromise previously being worked on by Council members. Dascal Bunch stated business owners did not like the details regarding the compromise and wanted to critique and make changes. Frank Jerome indicated the proposed compromise was not satisfactory to anyone, the grandfather technic was unworkable. David Machino with Lighthouse Advisers asked why the Council felt compelled to pass an ordinance that is more restrictive than the state level. Frank Jerome indicated the previous Council should have taken this step seven years ago. Discussion followed. Randy Burgmeier, bartender in town, stated the smoking ban will affect his livelihood. He feels the bars will start losing business, and they will make cuts in employment, which may affect him. A member of the audience questioned if it has been proven that secondary smoke is as dangerous as smoking. Mayor Brown stated many experts have spoken during previous meetings to indicate that it does. The same gentleman said he used to be a heavy smoker and after he quit smoking was diagnosed with throat cancer. He stated he is cured, with the help of radiation treatments and an operation. He tries to stay away from smoke because of the dangers of secondary smoke. He stated the Moose Lodge in Bloomington was forced to go smoke free and business declined for a while; however, now their business has almost doubled. Steve Bollman indicated he is an American and a veteran. He said he served his country for freedom to have liberty and choices. Tom Roni said he worked in the

business of in-home medical care for the last ten years and said many clients 50 years or younger were receiving free services through tax dollars just because they are currently (or were) smokers. Mayor Brown indicated there are five (5) private clubs and seven (7) bars that would be affected by this ordinance. Mayor stated she does not have a vote on this matter and feels the state statute is a sufficient compromise, with no disrespect for the efforts of Healthy Communities. Mayor Brown is concerned that this is a public health issue in which the local government level (municipality) does not have a responsibility for public health. Further, she stated public health rests with county government and county elected officials have made it clear they have no interest in a comprehensive smoking ban. More discussion followed. A member of the audience stated there are many alternative choices for nonsmokers and the choice for smokers has been taken away from them. Public comment was closed by Mayor Brown. Dascal Bunch made a motion to approve the second reading and adopt the ordinance. Frank Jerome seconded the motion for adoption. Motion passed by a vote of four (4) to two (2). Frank Miller and Aaron Hankins voted nay. Roll call vote was as follows:

Dascal Bunch	Aye
Ryan Brand	Aye
Frank Jerome	Aye
Frank Miller	Nay
Aaron Hankins	Nay
Jim Lienhoop	Aye.

Frank Miller asked Stephanie Truly, Tobacco Prevention Coordinator, to introduce herself. Frank indicated Stephanie and her awareness team could help businesses during the transition to become smoke free. Stephanie explained the Tobacco Awareness Team wants the businesses to succeed and will help implement a plan to provide publicity through media outlets. Also, a small local business has offered free signage for their buildings. Councilman Aaron Hankins said he was saddened to hear this from Stephanie because she essentially had a hand in destroying their jobs and businesses. Tobacco Action Awareness Team member, Tom Talbert, said Mr. Hankins comment was uncalled for to Stephanie and the Tobacco Awareness group, and suggested Councilman Hankins apologize. Further comments were made.

B. Second Reading of an Ordinance entitled "ORDINANCE NO. 39, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.04 OF THE COLUMBUS CITY CODE, COUNCILMANIC DISTRICTS." Councilman Jim Lienhoop presented this Ordinance and explained Indiana law requires a review of population totals in council districts following a census year. Jim displayed a picture of the district map and discussed the minor changes. Bartholomew County Treasurer, Tami Hines, was notified of the potential changes and stated the proposal was acceptable to her. Discussion followed. Jim indicated the current ordinance was amended to reflect the change by two (2) voters in districts 2 and 5. Jim Lienhoop made a motion to amend this ordinance to reflect a change in District 2 to 8,657 voters and change District 5 to 9,207 voters. Frank Jerome seconded the motion. Motion to amend the ordinance passed with a unanimous vote of six (6) to zero (0). Jim Lienhoop made a motion to pass the second reading and adopt the ordinance as amended. Frank Jerome seconded the motion. Motion passed with a unanimous vote of six (6) to zero (0). City Attorney, Kelly Benjamin, noted that the numbers mentioned by Jim were incorrect. Jim Lienhoop moved to withdraw the adoption of the amended ordinance. Motion was seconded by Frank Jerome. Motion to withdraw adoption of ordinance was passed by a vote of six (6) to zero (0). Jim Lienhoop made a motion to amend the ordinance to reflect changes to District 2 to read 8,659 and District 5 to read 9,205. Frank Jerome seconded the motion to amend.

- Motion to amend the ordinance as presented passed by a vote of six (6) to zero (0). A motion to pass the second reading and adopt the ordinance as amended was made by Jim Lienhoop. Frank Jerome seconded the motion. Motion passed by a unanimous vote of six (6) to zero (0).
- C. Second Reading of an Ordinance entitled "ORDINANCE NO. 40, 2012, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2012." (Riverboat Fund & Parks Common N/R Fund). Jeff Logston, Director of Operations and Finance, presented this ordinance by indicating this additional appropriation is two (2) parts. Part one is for public safety issues, which total \$371,053.00 from Riverboat fund for an upgrade of fourteen (14) tornado sirens, a paint truck, eleven (11) police car radios, and a fire SCBA fill station. Part two of the additional appropriation is for the Commons Non-Reverting Fund. The request is for \$81,000.00 and the majority of this expense will be reimbursed with revenue not yet received. Frank Miller made a motion to pass the second reading and adopt the ordinance. Dascal Bunch seconded the motion. Motion passed by a vote of five (5) to one (1). Aaron Hankins voted nay.
- D. Second Reading of an Ordinance entitled "ORDINANCE NO. 41, 2012, AMENDED FROM ORDINANCE NO. 33, 2012 (ORIGINAL ORDINANCE NO. 24, 2011) 2012 SALARY ORDINANCE." Jeff Logston presented this ordinance and explained the request is for two (2) changes within the Fire Department overtime budget. The salary ordinance lists a total maximum dollar amount for scheduled and unscheduled overtime. Jeff stated there have been some unforeseen issues this year. First, the Fire Department participated in additional training at the Columbus Airport and Muscatatuck Park, and the department had two individuals retire and four (4) individuals with health issues. Jeff indicated at the previous Council meeting an ordinance was presented requesting an increase of \$50,000.00 in scheduled overtime and an increase of \$25,000.00 in unscheduled overtime. The dollar amounts should be reversed and the ordinance presented this date reflect the increase of \$25,000.00 for scheduled overtime and \$50,000.00 for unscheduled overtime. Jeff stated no additional funds are being requested and there are enough funds in the Fire Department budget to cover this increase in the overtime budget. Discussion followed. Frank Jerome moved to amend the ordinance as presented to reflect the addition of scheduled overtime in the amount of \$25,000.00 and unscheduled overtime of \$50,000.00. Dascal Bunch seconded the motion to amend the ordinance. Motion to pass the amended ordinance passed by a vote of six (6) to zero (0). Frank Jerome moved to pass the second reading and adopt the ordinance as presented. Dascal Bunch seconded the motion. Motion passed by a vote of six (6) to zero (0).
- E. Reading of a Resolution entitled "RESOLUTION NO. 35, 2012, RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS TO DESIGNATE SPECIFIC CAPITAL IMPROVEMENT PROJECTS AS THE 2013 CAPITAL BUDGET." Jeff Logston presented this resolution by passing out a revised document prepared by Councilman Jim Lienhoop. Councilman Lienhoop discussed the desire by members of the Council to retain some oversight of the monies to be spent as a part of the 2013 capital budget, which was originally proposed through an "A" and "B" designation. This revised resolution identifies the capital projects and dollar amounts. Any variation in the capital list or a project cost exceeding five percent (5%) or \$5,000.00, whichever is greater would require additional Council approval. Jim indicated this is a reasonable balance between what has been practiced in the past and the Mayor's request that the Council approve the capital list. Jeff Logston asked that the Council consider the variation and some potential timing that additional approvals would require. He proposed a ten percent (10%) variation on all project costs. Mayor Brown questioned the logic for the cap and where five percent (5%) comes from. Jim indicated the logic for

the cap is to make it clear that this is the budget and these are the numbers to be worked with, considering the numbers are estimates, and five percent (5%) seemed to be a reasonable threshold. If Council finds that this amount is not workable then the issue can be revisited. Mayor listed several capital items the Council previously approved that did not require a cap and asked how this is different. Jim stated this proposal allows the Council to have some oversight with respect to the money being spent. Much discussion followed. Mayor Brown opened the meeting to public comment. Steve Cecil, member of the audience, said \$5,000.00 was too small of amount for a city budget and to allow the Mayor to do her job. Tamara Kiel questioned the Council to see if something has happened in the past to warrant the requested cap. She feels like the Mayor has proven, with her history and experience, that she knows how to stay within a budget and come back to ask for additional funds if needed. Discussion followed. Max Lemley stated Mayor Brown doesn't need oversight and this has a bad ring to it. He said Mayor should receive credit for bringing credibility to the city and the finances. Public comment was closed. Frank Miller said the city code refers to the general authority of the Council as having exclusive authority to adopt ordinances and appropriate tax monies and to perform any other necessary and desirable legislative functions. Frank added that this is nothing outside of Council functions they were elected to do. Mayor Brown said she does not have any issue with the fiscal oversight of the Council and would not exceed the total dollar amount. She feels approval of each line item is micromanaging. More discussion followed, including payment details of the EDIT bond. Dave Jones, audience member, thinks this is an arbitrary application of ability of duties as Councilmen. He said the question not being answered is 'why now'. Jim Lienhoop made a motion to approve the amended resolution to include changes incorporated into the version of the resolution as presented this date. Ryan Brand seconded the motion to amend the resolution. Motion to amend resolution passed with a unanimous vote of six (6) to zero (0). Jim Lienhoop made a motion to adopt the resolution as amended. Ryan Brand seconded the motion. Motion passed by a vote of six (6) to zero (0).

After the motion was passed Aaron Hankins indicated he intended to vote nay on the motion to adopt the Resolution for the 2013 capital budget. Discussion followed. It was determined that the nay vote would not change the outcome of the adoptioned resolution and the minutes would reflect Councilman Hankins desire to change his vote to nay.

F. Second Reading of an Ordinance entitled "ORDINANCE NO.______, 2012, AN ORDINANCE AMENDING THE DESIGNATION POLICY FOR TRANSFERS BETWEEN CERTAIN FUNDS."

Luann Welmer, Clerk Treasurer, presented this ordinance by explaining this is an amendment of Ordinance No. 1, 2005. The new ordinance would include the Columbus Technology and Redevelopment Departments to the list of year end transfers. Another addition to this ordinance is the authorization to move any excess claims paid by police and fire retirees to the Insurance Non-Reverting fund. Ryan Brand made a motion to pass the second reading and adopt the ordinance. Frank Miller seconded the motion. Motion passed by a vote of five (5) to one (1). Aaron Hankins voted nay.

III. New Business Requiring Council Action

Jim Lienhoop made a motion to suspend the rules of order to hear the tax abatement request from OSR, Inc. prior to Unfinished Business. Frank Jerome seconded the motion. Motion passed by a vote of five (5) to one (1). Aaron Hankins voted nay.

A. Reading of a Resolution entitled "RESOLUTION NO. 34, 2012, RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK TREASURER TO EXECUTE STATEMENT OF BENEFIT FORMS IN CONJUCTION WITH AN APPLICATION FOR TAX ABATEMENT IN A

PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO I.C. 6-1.1-12.1-7." (OSR, Inc.) Chris Schilling Communications and Program Coordinator, presented this tax abatement. OSR, Inc. requested this tax abatement on personal property in conjunction with the installation of new manufacturing equipment located at 7715 S International Drive in Columbus in the amount of \$722,000.00. OSR, Inc., plans to hire two (2) additional full-time employees. Jim Lienhoop stated the Incentive Review Committee met prior to the Council meeting and found OSR, Inc., to be in substantial compliance. Jack Myoga, with OSR, Inc., stated they manufacture automotive parts, mostly small bolts and screws. Mr. Myoga stated business has grown steadily over the past several years. He explained they manufacture approximately 30,000 pieces a day. Jim Lienhoop made a motion to approve the tax abatement and adopt the Resolution. Dascal Bunch seconded the motion. Motion passed by a vote of five (5) to one (1). Aaron Hankins voted nay.

- **B.** First Reading of an Ordinance entitled "ORDINANCE NO. AN ORDINANCE AMENDING THE WESTWOOD PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) WITH REGARD TO MULTI-FAMILY RESIDENTIAL USE OF LOT 4 IN AREA B." (Westwood Preliminary PUD 3rd Amendment). Jeff Bergman presented this ordinance and explained this is similar to a rezoning request. The Westwood Planning Unit Development, "PUD", which is a zoning category permitted by the zoning ordinance and created through a negotiated process between an applicant, the Plan Commission, and City Council to establish specific zoning related requirements for Westwood. The request is to make an adjustment with one particular area, Lot 4. Westwood development is located on State Road 46, east of County Road 350 West. The applicants are asking to add multi-family residential to a list of uses that would be allowed on Lot 4. This matter was considered by the Columbus Plan Commission on two occasions. The first being in October, which ended up with an indecisive vote, and then in November with a vote of seven (7) in favor and two (2) opposed to make a favorable recommendation to the Council on adding multi-family residential to the use. The Columbus Plan Commission gave the favorable recommendation with the condition that at the time of residential development of Lot 4, a sidewalk should also be installed along the north side of Pine Ridge Drive. Councilman Jerome stated the first Columbus Plan Commission meeting in October ended in an indecisive vote due to absences on the Planning Board, not because of the project. Much discussion followed. There were no comments from the public. Ryan Brand made a motion to approve the first reading and place the ordinance in proper channels. Dascal Bunch seconded the motion. Motion passed by a vote of four (4) in favor and one (1) opposed. Frank Jerome voted nay. Jim Lienhoop abstained from voting.
- C. Reading of a Resolution entitled "RESOLUTION NO. 36, 2012, RESOLUTION APPROVING THE PROPOSED BUDGET OF THE UTILITY SERVICE BOARD AS PRESENTED TO THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA." Keith Reeves, Director of Utilities, presented this Resolution of the 2013 Utility Service Board Budget. Brief discussion followed. Frank Jerome made a motion to adopt the Resolution. Dascal Bunch seconded the motion. Motion passed by a vote of five (5) to one (1). Aaron Hankins voted nay.
- **D.** Reading of a Resolution entitled "RESOLUTION NO. 37, 2012, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA AUTHORIZING THE CLERK TREASURER TO MAKE TRANSFER OF APPROPRIATIONS FOR THE FIRE DEPARTMENT BUDGET, PURSUANT TO I.C. 6-1.1-18-6." Jeff Logston presented this Resolution. He explained the Fire Department is requesting approval to transfer between categories from Other Services and Charges (category 300) to the Supplies (category 200). Jeff stated the Fire Department has experienced some additional costs in miscellaneous

supplies, building supplies and vehicle supplies. The request of transfer is for \$32,000.00 from category 300 to category 200. Frank Jerome made a motion to adopt the Resolution. Dascal Bunch seconded the motion. Motion passed with a unanimous vote of six (6) to zero (0).

IV. Other Business

- A. Standing Committee and Liaison Reports None
- B. Discussion Items:

Range Ordinance regarding fees – Jason Maddix, Chief of Police, discussed the need to amend a current range ordinance to detail where proceeds from specific revenue sources should be deposited. The revised ordinance will be placed on the December 18, 2012 Agenda for Council's review.

Ethics Ordinance – Kelly Benjamin, City Attorney, passed out a revised Ethics Ordinance with minor changes, including information on the Conflict of Interest forms and Economic Statement. Councilman Brand questioned what might be available regarding code of conduct for employees and elected officials. Kelly will research information on code of conduct.

- C. Next regular meeting is scheduled for **Tuesday**, **December 18**, 2012 at 5:00 o'clock P.M. in City Hall.
- D. Ryan Brand made a motion to adjourn the meeting. Aaron Hankins seconded the motion. Motion passed with a unanimous vote of six (6) to zero (0). Meeting adjourned at 8:40 p.m.